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June 8, 2015

VIA ECF

The Honorable James L. Robart
United States Courthouse
700 Stewart Street, Suite 14128
Seattle, WA 98101-9906

Re: Inst. for Cetacean Research, et al. v. Sea Shepherd Conservation Society, et al.
No. C11-2043JLR

Your Honor:

We write pursuant to LCR 16(c)(1) and Federal Rule of Civil Procedure 16(a) to request a telephone status conference with the Court, at the Court's earliest convenience, to obtain the Court's guidance as to the briefing it would like to receive on plaintiffs' Motion to Dismiss Defendants' First Amended Counterclaims (Dkt. 238), filed May 28, 2015. Defendants' opposition to this motion is due next Monday, June 15, 2015.

Plaintiffs and defendants executed a settlement agreement today with respect to the contempt action proceeding concurrently before the Ninth Circuit. Defendants believe that the releases negotiated in this agreement require us to further amend our counterclaims in this matter. Defendants are concerned that plaintiffs' pending motion to dismiss the extant counterclaims will become moot when defendants amend the counterclaims. Defendants are preparing a motion for leave to file the amended counterclaims.

Defendants conferred with plaintiffs via phone and email regarding this matter prior to plaintiffs' filing their motion to dismiss, but plaintiffs declined to agree to postpone the briefing on the motion to dismiss until the settlement was executed and the second amended counterclaims could be filed. Defendants are prepared to respond to the current motion to dismiss by June 15, 2015, if necessary, but wish to avoid the wasteful and unnecessary cost of two rounds of briefing, so we are seeking the Court's guidance on how to proceed through a telephone status conference.

Very truly yours,

LANE POWELL PC

Claire L. Davis

cc: John F. Neupert (via ECF)

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